

ASSEMBLY BILL

No. 96

Introduced by Assembly Member Ruskin

January 6, 2009

An act to amend Section 25299.105 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 96, as introduced, Ruskin. Gasoline: underground storage tanks.

Existing law provides for the regulation of underground storage tanks by the State Water Resources Control Board. Existing law requires the board to take specified actions with regard to unauthorized releases from petroleum underground storage tanks, including, among other things, adopting regulations requiring the owners of those tanks to undertake certain actions.

Existing law provides for a grant program for small businesses to use to pay specified costs of complying with the underground storage tank regulations adopted by the board. Eligibility for the grant funds, as specified in existing law, requires that the grant applicant, the applicant's family, or an affiliated entity, has owned and operated the project tank since January 1, 1997.

This bill would delete that ownership requirement from the grant eligibility criteria.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25299.105 of the Health and Safety Code is amended to read:

25299.105. (a) The board shall make grant funds available from the Petroleum Underground Storage Tank Financing Account to eligible grant applicants who meet all of the following eligibility requirements:

(1) The grant applicant is a small business, pursuant to the following requirements:

(A) The grant applicant meets the conditions for a small business concern as defined in Section 632 of Title 15 of the United States Code, and in the federal regulations adopted to implement that section, as specified in Part 121 (commencing with Section 121.101) of Chapter I of Title 13 of the Code of Federal Regulations.

(B) The grant applicant employs fewer than 20 full-time and part-time employees, is independently owned and operated, and is not dominant in its field of operation.

(2) The principal office of the grant applicant is domiciled in the state; and the officers of the grant applicant are domiciled in this state.

~~(3) The grant applicant, the applicant's family, or an affiliated entity, has owned or operated the project tank since January 1, 1997.~~

~~(4)~~

(3) All tanks owned and operated by the grant applicant are subject to compliance with Chapter 6.7 (commencing with Section 25280), and the regulations adopted pursuant to that chapter.

~~(5)~~

(4) The facility where the project tank is located has sold at retail less than 900,000 gallons of gasoline annually for each of the two years preceding the submission of the grant application. The number of gallons sold shall be based upon taxable sales figures provided to the State Board of Equalization for that facility.

~~(6)~~

(5) The grant applicant owns or operates a tank that is in compliance with Section 25290.1, 25290.2, or 25291, or subdivisions (d) and (e) of Section 25292, and the regulations adopted to implement those sections.

1 ~~(7)~~

2 (6) The facility where the project tank is located was legally in
3 business retailing gasoline after January 1, 1999.

4 (b) Grant funds may only be used to pay the costs necessary to
5 comply with the requirements of Section 25284.1, 25292.4, or
6 25292.5.

7 (c) If the total amount of grant requests by eligible grant
8 applicants to the board pursuant to this section exceeds, or is
9 anticipated to exceed, the amount in the Petroleum Underground
10 Storage Tank Financing Account, the board may adopt a priority
11 ranking list to award grants based upon the level of demonstrated
12 financial hardship of the eligible grant applicant; or the relative
13 impact upon the local community where the project tank is located
14 if the claim is denied.

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